THE BOMBAY LIFTS ACT, 1939.

CONTENTS.

PREAMBLE.

SECTIONS.

1. Short title.
2. Extent and commencement.
3. Definitions.
4. Permission to erect a lift.
5. Licence to use a lift.
6. Applications for licence in case of existing lifts.
7. Lift not to be operated without a licence.
8. (*i*) Right to enter any building for inspection of lifts and lift installation, and

   (*ii*) Order for repairs, alterations to and discontinuance of lifts in an unsafe condition.
9. Report of accidents.
10. Delegation of the powers of Government.
11. Inspection of lifts.
12. Power to make rules.
13. Penalty.
14. Savings.

BOMBAY ACT No. X OF 1939.[1]

[THE BOMBAY LIFTS ACT, 1939.]

[*17th May 1939.*]

Amended by Bom. 17 of 1945.[2]

An Act to provide for the regulation of the construction, maintenance and safe working of certain classes of lifts and all machinery and apparatus pertaining thereto in the Province of Bombay.

WHEREAS it is expedient to provide for the regulation of the construction, maintenance and safe working of certain classes of lifts and all machinery and apparatus pertaining thereto in the Province of Bombay in manner hereinafter, appearing; It is hereby enacted as follows:—

Short title.

1. This Act may be called the Bombay Lifts Act, 1939.

Extent and commencement.

2. (*1*) This Act shall extend to the whole of the Province of Bombay.

(*2*) It shall come into force on such date as the Provincial Government may, by notification in the Official Gazette, appoint.

Definitions.

3. In this Act, unless there is anything repugnant in the subject or context,—

(*a*) "Inspectors of Lifts" means an officer appointed as such by the Provincial Government.

(*b*) "License" means a license granted under section 5.

(*c*) "Lift" means a hoisting mechanism equipped with a cage which moves in a substantially vertical direction, is worked by power and is designed or is actually used to carry passengers.

Explanation.—For the purposes of this clause a lift operator shall not be deemed to be a passenger.

(*d*) "Lift cage" means the car or cage of a lift used for the conveyance of passengers.

(*e*) "Lift installation" includes the lift cage, the lift way, the lift way enclosure and the operating mechanism of the lift and all ropes, cables, wirs and plant, directly connected with the operation of the lift.

(*f*) "Lift way" means the shaft in which the lift cage travels.

(*g*) "Lift way enclosure" includes any permanent substantial structure surrounding or enclosing the lift way.

(*h*) "Power" means any form of energy which is not generated by human or animal agency.

(*i*) "Prescribed" means prescribed by rules.

(*j*) "Rules" means rules made under section 12.

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[1] For Statement of Objects and Reasons, *see Bombay Government Gazette*, 1938, Part V. p. 665 *or* Bombay Legislative Assembly Debates, 1939, Vol. 5, p. 3465 *or* Bombay Legislative Council Debates, 1939, Vol. 6, p. 777. For Report of the Select Committee, *See Bombay Government Gazette*, 1939, Part V, pp. 179–182. For Proceedings in Assembly *see* Bombay Legislative Assembly Debates, 1939, Vol. 5, pp. 73–75, 2269, 3075 and 3201–3208 and for Proceedings in Council, *see* Bombay Legislative Council Debates, 1939, Vol. 6, pp. 622–626.

[2] This Act was repealed and re-enacted and the amendments made by section 9 and Sch. E of the said Act have been continued in force by Bom. 52 of 1947, s. 2.

Permission to erect a lift.

4. Every owner of a place intending to install a lift in such place after the commencement of this Act, shall make an application to such officer as the Provincial Government may authorize in this behalf for permission to erect such lift. Such application shall be in writing and in such form as may be prescribed. Such application shall specify—

(*1*) the type of the lift,

(*2*) the rated maximum speed of the lift,

(*3*) the maker's or designer's rated capacity in weight,

(*4*) the maximum number of passengers in addition to the lift operator which the lift can carry,

(*5*) the total weight of the lift cage carrying the maximum load,

(*6*) the weight of the counterweight,

(*7*) the number, description, weight and size of the supporting cables,

(*8*) the depth of the pit from the lowest part of the cage when at the lowest floor,

(*9*) such details of the construction of the overhead arrangement with the weight and sizes of the beams as may be prescribed, and

(*10*) such other particulars as may be prescribed.

On receipt of such application the officer authorised under this section shall, after making such enquiry and requiring the applicant to furnish such information as may be necessary, forward the application with his remarks to the Provincial Government. The Provincial Government may thereupon either grant or refuse the permission. Such permission shall be valid only for a period of six months from the date on which it is granted.

Licence to use a lift.

5. (*1*) Every owner of a place who is permitted to instal a lift under section 4, shall, within one month after the completion of the erection of such lift deliver or send or cause to be delivered or sent to such Officer as the Provincial Government may authorise in this behalf notice in writing of such completion and shall make an application to him for a licence for working the lift.

(*2*) An application for a licence made under sub-section (*1*) shall be in such form as may be prescribed.

(*3*) On receipt of such application such officer as may be authorised in this behalf by the Provincial Government after making such enquiry as may be necessary forward the application with his remarks to the Provincial Government. The Provincial Government may, thereupon, either grant or refuse the licence.

(*4*) A fee of Rs. 20 shall be paid along with such application.

Applications for licence in case of existing lifts.

6. (*1*) Notwithstanding anything contained in sections 4 and 5 every owner of a place in which a lift has been installed before the date of the commencement of this Act, shall within two months from such date apply for a licence for the working of such lift.

(*2*) The provisions of sub-sections (*2*) to (*4*) of section 5 shall, so far as may be apply to such application.

Lift not to be operated without a licence.

7. Subject to such rules as may be made in this behalf no lift shall be worked except under and in conformity with the terms of the licence granted in respect of the same:

Provided that nothing in this section shall apply to a lift installed at the date of the commencement of this Act, for a period of two months from such date or if an application for license is made within that period in accordance with the provisions of section 6, until such application is finally disposed of under the said section.

Right to enter any building for inspection of lifts and lift installation.

8. (*1*) An officer authorized in this behalf by the Provincial Government may at any time after giving reasonable notice to the occupant enter upon any building in which a lift is installed or is being installed or in connection with which an application for a license has been received, for the purpose of inspecting the lift or the lift installation or the site thereof.

Order for repairs, alterations to and discontinuance of lifts in an unsafe condition.

(*2*) If on such inspection the Officer is of the opinion that any lift in any building is in an unsafe condition, he may issue an order on the owner of the building requiring such repairs or alterations to be made to such lift as he may deem necessary within the time specified therein and may also, if necessary, order the use of such lift to be discontinued until such repairs or alterations are made or such unsafe condition is removed. An appeal shall lie from such order to the Provincial Government and any order passed by the Provincial Government in such appeal shall be final.

Report of accidents.

9. (*1*) Where any accident occurs in the operation of any lift resulting in injury to any person the owner of the building in which the lift is working or if such owner has appointed an agent and has communicated his name to the Inspector of Lifts under sub-section (*3*), such agent shall as soon as may be after such accident give notice with full details of the accident to the Inspector of Lifts and also in [1][the Greater Bombay] to the Commissioner of Police and elsewhere to the District Magistrate and the working of such lift shall not be resumed except with the written permission of the officer authorised in this behalf by the Provincial Government.

(*2*) For the purposes of sub-section (*1*), the owner of every building in which a lift has been installed may and if such owner does not reside in such building, shall appoint an agent who shall be a resident in the town or village in which the building is situate to give notice of any accident occurring in the operation of the lift.

(*3*) The name of every agent appointed under sub-section (*2*) shall be communicated to the Inspector of Lifts.

Delegation of the powers of Government.

10. The Provincial Government may delegate any of the powers conferred on it by or under this Act to such officer as it thinks fit.

Inspection of lifts.

11. Every lift shall be inspected at least once in six months by an officer authorised in this behalf by the Provincial Government. An annual fee of Rs. 15 shall be charged for such inspection and such fee shall include the charges for the inspection of the motor.

Power to make rules.

12. (*1*) The Provincial Government may, from time to time by notification in the Official Gazette, make rules to carry out the purposes of this Act.

(*2*) In particular and without prejudice to the generality of the foregoing provision, such rules may be made for the following matters, namely :—

(*a*) specifications for lifts,

(*b*) the manner in which erection plans of lifts shall be submitted,

(*c*) the manner in which the lifts may be tested,

(*d*) the form of application for the erection of a lift or a licence for working the same,

(*e*) the terms and conditions subject to which and the form in which the licenses may be granted for the working of a lift under section 7,

[1] These words were substituted for the words "the City of Bombay" by Bom. 17 of 1945, s. 9 and Sch. E, read with Bom. 52 of 1947, s. 2, proviso.

(*f*) the manner in which and the terms subject to which the lifts shall be worked under section 7,

(*g*) the manner in which notice of accidents shall be given and the form of such notice, and

(*h*) the form of notice to be given under section 8.

Penalty.

13. Whoever contravenes any of the provisions of this Act, rules or conditions of a license or a direction given by the Inspector of Lifts under this Act or the rules shall, on conviction, be punishable with a fine which may extend to five hundred rupees and, in the case of a continuing contravention with an additional fine which may extend to fifty rupees for every day during which such contravention continues after conviction for the first such contravention.

Savings.

14. Nothing contained in this Act shall affect the provisions of the Indian Electricity Act, 1910, or any rules made thereunder. IX of 1910.